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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,701	02/27/2004	Yuichi Wada	488-00067	7025
7590	10/18/2006			EXAMINER
			ROMAN, LUIS ENRIQUE	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/788,701	WADA, YUICHI	
	Examiner	Art Unit	
	Luis Roman	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 August 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant amendment filed on 08/07/06 has been entered. Accordingly claims 6-8 have been kept original, claims 1-5 & 9-11 have been amended and no claims have been cancelled. No new claims were added. It also included remarks/arguments.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim(s) 1-11, is (are) rejected under 35 U.S.C. §103(a) as being unpatentable over Oshiro (JP 2001-260666) in view of Yasushi (JP 001-295645).

Regarding claim(s) 1 Oshiro discloses an antistatic protector (Fig. 6b) to be mounted to a conductive connector (61) for joining a resin tube (99) and a pipe (98) in automotive piping to earth the resin tube via the conductive connector, comprising; a mounting portion to be mounted to an outer periphery of the conductive connector (61), a connecting portion to be connected to an earth member provided on a car body, an elongate or relatively elongate connective portion to joint the mounting portion (63) and the connecting portion (50).

Oshiro disclose does not specifically disclose the mounting portion, the connecting portion and the connective portion being formed from a conductive rubber elastic material so as to have flexibility respectively.

Yasushi teaches a support structure for exhaust pipe wherein the mounting portion, the connecting portion and the connective portion being formed from a conductive rubber

elastic material so as to have flexibility respectively (Abstract, English translation [0019] & Fig. 1 elements 20, 28, 16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Oshiro device with the Yasushi teachings because improves durability, reduce heat transmission, and enable easier installation/adjustment without increasing costs (Yasushi<abstract>).

Regarding claim(s) 2 Oshiro further discloses (Fig. 6b) wherein the mounting portion (63), the connecting portion (50) and the connective portion (34) are formed as a unit.

Regarding claim(s) 3 & 6 Oshiro further discloses (Fig. 6b) wherein the mounting portion (63) is formed as an annular member so as to be fitted on and mounted to the outer periphery (50) of the connector (Paragraph [0055] of English translation).

Regarding claim(s) 4 Yasushi further teaches wherein the mounting portion comprises a pair of halved portions which are joined to each other to comprise an annular member (Fig. 2), the annular member is configured so as to be mounted to the outer periphery of the conductive connector with the conductive connector there between (Fig. 1)

Regarding claim(s) 5 Yasushi further teaches wherein the mounting portion comprises a cap configuration so as to be capped on and mounted to the outer periphery of the longitudinal portion of the conductive connector (Fig. 1).

Regarding claim(s) 7 Oshiro further discloses wherein the mounting portion is mounted to the outer periphery (51) of the connector (13b) rotatably.

Regarding claim(s) 8 & 9 Yasushi further teaches wherein the connecting portion is provided integrally with one or more finger grips projecting outwardly and it is on the opposite side of the connecting portion (Fig. 4 element 25).

Regarding claim(s) 10 & 11 Yasushi further teaches wherein the conductive connector comprises a pair of positioning surfaces expanding radially outwardly (Fig. 4 elements 24,19) on an outer periphery in axially spaced and opposed relation, and the mounting portion is arranged to be mounted between a pair of the positioning surfaces to be positioned axially (Fig. 4 element 20).

Applicant's arguments with respect to claims 1, 4, 5, 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luis E. Román whose telephone number is 571-272-5527. The examiner can normally be reached on Mon – Fri from 7:15 AM to 3:45 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2800 x 36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from Patent Application Information Retrieval (PAIR) system.

Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luis E. Román
Patent Examiner
Art Unit 2836

LR/101306


BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800